

Minutes

Amherst Charter Commission meeting of December 5, 2016

Members Present: Andy Churchill, Tom Fricke, Meg Gage, Nick Grabbe, Mandi Jo Hanneke, Irv Rhodes, Julia Rueschemeyer, Diana Stein, Gerry Weiss. Members Absent: None. Consultants: Michael Ward and Tanya Stepasiuk. Presenters from the Town Meeting Coordinating Committee: Michael Greenebaum, Chris Riddle, Adrienne Terrizzi, Maurianne Adams, Janet McGowan, John Hornik, John Fox. In attendance: Jonathan O'Keefe, Richard Morse, Jackie Churchill, David Markland, Claudia Brown, Felicity Callahan, Kitty Axelson-Berry, Larry Kelley, Walter Wolnick, Alan Powell, Mary Streeter, Hend Mari, Ellen Lindsey, Dick Bentley, Joan Burgess, Ken Rosenthal, Elissa Rubinstein, Gretchen Fox. Camera Operator: Kevin Collins.

Agenda:

1. Call to order, approve agenda, approve minutes, including Listening Sessions (10 minutes)
2. Town Meeting Coordinating Committee Subcommittee on Policies and Procedures report (30 minutes)
3. Diana Stein update on Natick research (10 minutes)
4. Continue deliberating on Citizen Participation/Relief, Executive, and Legislative elements (60 minutes)
5. Public comment (10 minutes)
6. Topics not reasonably anticipated by the Chair 48 hours prior to the meeting
7. Adjourn

The meeting was called to order at 7:01pm in the Police Station Community Room. The minutes of the previous meeting, and the listening sessions, were approved with amendments.

Churchill, in introducing the TMCC subcommittee, noted that the commission had previously heard testimony from TMCC members during the summer.

TOWN MEETING COORDINATING COMMITTEE SUBCOMMITTEE ON POLICIES AND PROCEDURES

Riddle: The subcommittee was created to improve efficiency, communication and information, and it has no deadlines. "I don't mean to imply that the creation of the Charter Commission had nothing to do with it." It has no recommendations to deliver yet, and has received suggestions of 30 potential projects. About 12 are listed here, and are works in progress, and are not finalized as recommendations.

Hornik: Creation of a Community Impact Committee, analogous to the Finance Committee, appointed by the moderator to review and assess warrant articles in terms of their community benefit. Most legislative bodies have committees to vet proposals. This would be like an environmental impact statement, on the pros and cons, benefits and disadvantages of most articles in an effort to establish facts. It would have the power to propose amendments to some articles, as some good ideas are hastily drawn.

Greenebaum: Limit voting in Town Meeting to members elected from precincts. This would be a step to maintain checks and separation of powers. Defer voting on motions from the floor to the following session: Members can get confused about procedure with substitute motions that relate to the main motion; it's an opportunity to reflect on motions made on the floor.

McGowan: Reports of votes from town boards and committees include both majority and minority positions. This would provide a fuller presentation to Town Meeting and an understanding of different viewpoints. Publicize email addresses of all elected town officials. It would make it easy for the public to reach out and communicate and help boards provide information to Town Meeting. Members could opt out. Personal email addresses? Phone/letter/text? How to control spam?

Fox: Creation of a committee to increase the diversity of Town Meeting membership. It would be strengthened if it were more demographically representative. It would be appointed by the Select Board or manager. Also look at transportation and child care.

Terrizzi: Improving communication. Based on premise of well-informed citizenry. Would look at deadlines and time lines, as there are currently no guidelines. It would look at precinct meetings, in which prior to elections residents would be invited to meet candidates, discuss positions. Currently the League of Women Voters' election guide is the only way for voters to learn about candidates.

Adams: Timing of sessions, reduce size of Town Meeting, reduce number/size of precincts. There's no consensus on what to propose or who to propose it to. Should all students living in dorms be put in one precinct? The size of Town Meeting is "a very hot topic around town. A smaller size would make seats more competitive, while some argue for an open Town Meeting. More frequency of sessions would be more efficient and might result in fewer nights, with one addressing finances, one zoning, and the third other issues. "The purpose is to focus and facilitate the quality of discussion and the knowledge members have."

Rueschemeyer asked what the main problems the subcommittee is trying to address are. Riddle said there is no main problem, they generally like Town Meeting. Town Meeting is broadly representative of the population, but it could be more efficient, information could travel more smoothly, and members could be more informed on complex issues.

Churchill asked about open Town Meeting. Greenebaum said it would be less successful in representing the town, because residents would pick one session to come to. Adams said the totality of Town Meeting represents the town. Terrizzi said the subcommittee's work has just begun.

Riddle said the subcommittee will work to address three of these issues and deliver recommendations to Town meeting next spring. Its email is spp@amherstma.gov. Terrizzi said not every recommendation will result in a warrant article.

Gage said the length of time Town Meeting takes and its ability to be nimble are questions. The town doesn't need efficiency for its own sake. It's a problem that problems can't be fixed for six months after Town Meeting adjourns. Also, the Moderator said the process of setting up a Town Meeting is quite extensive, so we probably can't add too many more meetings.

STEIN ON NATICK

The median age is 41, compared to Amherst's 22, and the median income is \$61,000, compared to Amherst's \$40,000. Town Meeting has 180 members and meets in the spring and fall. Five percent of the voters can overturn a decision, but 20 percent of the voters have to vote on it. There's an administrator, not a manager, appointed by the Board of Selectmen, who stays three to five years and prepares a budget. Residents pay 76 percent of the property taxes.

The assessors, clerk, constables, planning board, board of health, housing authority are elected. It has an AAA bond rating. The Board of Health and Planning Board are elected, as is the recreation and parks committee. Town Meeting votes on the budget and can vote down zoning bylaw proposals. The Select Board wants more say on the budget, Town Meeting more say on policy. It takes 10 signatures for a Town Meeting petition. A Citizen Leadership Academy meets once or twice a year.

The recognized spokesperson could be the Select Board chair or the administrator, or the clerk. There is no campus, but there are other tax-exemption issues. The administrator and clerk are paid, but not the Select Board.

DELIBERATIONS

Churchill suggested discussion of the pros and cons of a council and a smaller Town Meeting. How big a council? How small a Town Meeting? Is there overlap? How frequently should the legislature meet? Would a council improve accountability by giving residents fewer people to contact? Gage, Stein and Weiss said they want to talk about a smaller Town Meeting. Gage said the legislative function isn't nimble now.

Hanneke: Favors council. Accountability is not just recorded votes and competitive elections. If a resident wants to influence the legislature now, he or she has to call 24 Town Meeting members just in the precinct; even if it were reduced by half, there would still be 12 people to call. Members don't have a fear of being voted out. If it was reduced to 60, it would lose what people love about Town Meeting, its participatory aspect, and you might as well move to a council, which would meet more often and have a more flexible agenda, as opposed to a TM warrant.

Rhodes: Town Meeting is neither accountable nor responsible, yet its authority to render decisions is far-reaching. Most residents couldn't name more than one of their Town Meeting representatives. Members are recruited by factions. In a council, residents could vote members out for being ineffectual. In a 120-member Town Meeting, a council could veto actions with a two-thirds vote. Favors a manager supervised by the council, which would have budget authority. "There should be no doubt in the electorate's mind that they are in charge; when they're wrong, citizens know who to blame and can vote them out of office."

Rueschemeyer: There could be benefits of an open Town Meeting. Likes the low barrier to entry with current system. Really thinks a mayor is important.

Weiss: Let's start charting things – major options, pros and cons, rather than having each member speak in turn, which is "not getting us anywhere." Having 240 people in Town Meeting provides a good swath of the town, and it won't be better with an 11-person council. He could see lowering Town Meeting to 200, with 20 at-large seats. The newspaper should print how members voted. Attendance is a concern; members shouldn't be able to come when they feel like it. Ten to 12 sessions a year puts a burden on families and could be spread out more.

Grabbe: Presented the results of research on how much the size of Town Meeting would have to be reduced to achieve competitive elections (defined as those in which 50 percent or fewer of the candidates in a precinct are elected). Found that at 120 members, 71 percent of precincts would have competitive elections, so defined, assuming that the number of candidates adhered to the averages over the past 10 years. Expressed appreciation for the dedication of Town Meeting members, but said they operate under the illusion that they have a mandate to decide things for the rest of us. Presented statistics backing up this claim, including the fact that 40 years ago, only 1 percent of Town Meeting members were elected with fewer than 100 votes, compared to 45 percent over the past 10 years. These are symptoms of a failing democracy. Elections should matter, and should provide accountability and measure public opinion.

Gage: Responded to Grabbe by saying that Northampton and Cambridge don't have competitive elections. Cited problems with current system: Town Meeting meets only twice a year; the responsibility of membership is beyond some people's abilities; lack of diversity; unfilled seats; complex issues; and work for town staff. Supports smaller Town Meeting meeting four or five times a year, and a community liaison officer and neighborhood councils. How can we find more creative ways to participate? How do

we reconcile conservation and recreation? We need to be more creative in engaging a more diverse population. Some parts of town are different, such as North Amherst and Amherst Woods; we need a place people can participate whether or not they're elected to something. Why would a council be more diverse than Town Meeting?

Churchill: Talked to the chief of staff in Ithaca and the mayor of Northampton. He heard about a form of government that Amherst is not used to – a type of participation that doesn't function on the basis of showing up, but rather involves someone you can go to if you have a problem or an opinion, someone who can be voted out of office if they don't represent you. It's a sense of constituency, someone who sees your issues as a matter of self-interest, who can connect with individuals. Someone you can say you don't like a development proposal, or your trash isn't picked up. It's a different mindset that's maybe hard for us to imagine. District councilors' job would be to represent your neighborhood and stop your neighborhood from being stepped on, while at the same time working with other neighborhood representatives on town-wide issues. In some Northampton districts, neighborhood councils sprang up organically to communicate with their councilor. It's a way to get your voice heard. For many in Amherst, town government is a “black box.” A council would provide a way for more residents to connect with their government.

Fricke: Agrees with Weiss on setting up a chart of the four alternatives. The 24 Town Meeting members per precinct are largely anonymous, and a council could be more diverse. A council gives citizens the capacity to know what people are doing in government – it's a trackable number of representatives. Do the voters know now what the people in government are doing? 240 people seems like a lot, but it's actually not a lot relative to the number of people in town. He worries that many people are tuning out – from the voter's perspective, not just the TM member's.

Hanneke: There may be six options, including a Town Meeting that meets more frequently. Currently, power is vested in people who rarely are voted out of office and have the time to be in Town Meeting. And the executive is too diffuse. Voters don't have the power; participants have the power. In a smaller legislative branch, people can be voted out. Town residents without the opportunity and time to participate lose power, in our system.

Stein: Supports Town Meeting, and the charter could be structured to give residents a better sense of who to go to. Northampton councilors receive \$9,000 to \$10,000 a year, and meetings have sparse attendance. Getting rid of Town Meeting would lose the connection between people and the form of government. There's an educational component to Town Meeting that makes people pay attention. You don't have to be a member to pose questions. Cited people who lived in places with a council and felt Amherst had a better form. “I don't want impersonal relations with our government.”

Churchill: If there was no Town Meeting, there would be a sense of loss among those who participate in it. But in Greenfield and Northampton, it's not how many people show up at meetings; the point is feeling represented, and if you don't feel it, you can do something about it. Among Amherst's 20,000 voters, 19,500 don't have that sense of involvement.

Rhodes: In a council, constituents work through their representatives. Wants accountability and responsibility – right now we don't have a way to hold officials accountable. In a precinct, you have someone to go to with problems.

Rueschemeyer: We have no experience with a council, but we do have experience with the School Committee. Can you go to a member and express an opinion? Not really. The committee voted differently than voters and Town Meeting on the school plan. Not convinced that a council would be more representative than Town Meeting.

Churchill noted that a council would likely have district representatives, unlike the town-wide school committee, which would create a different dynamic.

Grabbe: Greenfield has a 13-person council that is very diverse, with four members 40 or under, including the chair and vice chair; two people of color; five women, two gay members; two attorneys, a mechanic, a frozen yogurt shop manager, a medical records clerk, two with disabilities; and four veterans.

Weiss: Good for Greenfield, but what are the statewide diversity facts? If you don't like what Town Meeting does, you can join it (Hanneke says, "Only if you have the time"). People should take their turns, see what it's about. It's an illusion that voters have more power with a council; "It's a great idea; I don't think it works."

Gage: Would zoning work better if it's vetted by a subcommittee of Town Meeting? Are there different ways to do zoning?

Weiss: What about mayor-town meeting? Stepasiuk said she talked to Marilyn Contreas, an expert who works with the Collins Center, who said it's not an option. Hanneke asked if there was a minimum number of Select Board members; could there be just one? Ward said he'd look into it. Churchill said under a mayor-town meeting system, town meeting would be at a disadvantage because a mayor would be working every day without much oversight. Rhodes objected to Churchill's statement that we should stick to the basic forms of government.

Stepasiuk said she looked at the recommendation of the first Charter Commission for a smaller Town Meeting, a manager, and a council with an elected "weak" mayor. She called it "highly unusual." Rhodes said he'd like to research it so it can be eliminated if it's no longer legal. Rueschemeyer asked how it could be illegal if it was approved 20 years ago. "We might need something creative like this." Grabbe said an independently elected weak mayor is weird. Churchill said we owe it to ourselves to consider the basic forms 350 other municipalities in the state use, and there are a lot of vehicles for citizen participation that can be inserted to make our version more appropriate to our town.

Rueschemeyer: The discussion of the alternatives is an important one, looking at values, challenges and risks. "I like this one but I think it would be better with more of that," a member might say.

Ward called the deliberations "free-flowing" and thoughtful. Now it makes sense to put more structure on it.

PUBLIC COMMENT

Hornik: It wasn't hard for me to get involved in town government after I retired. You can get your voice heard. Wants to see more affordable housing.

Bentley: Worried about political corruption, such as kickbacks and influence peddling.

Burgess: More committees should be elected.

Adams: The executive is not just the Select Board and manager; it's the boards and committees. Town Meeting is the only place where it all comes together for a yes or no vote. Efficiency resides in your point of view; it's efficient if the decision is what you want. Constituent calls about roads and sidewalks are different from calls about zoning, development, impact on neighborhoods, big-ticket items, taxes. "These are different kinds of problems."

Morse: The learning curve for Town Meeting members is steep. Many voters are “befuddled” about the Town Meeting ballot and how to vote. “Who are these people?” Many voters don't use all their votes. I got 300 votes and was beaten by Gerry Weiss.

Maidana: I had no voice in government when I lived in Northampton; I moved back to Amherst and got elected to Town Meeting. The Select board and Planning Board rubber-stamp the interests of property owners and developers, and the same thing happens in Northampton. Give TMCC a chance to tweak Town Meeting.

Rubinstein: Many people heard but not listened to. How to incorporate public in a meaningful way? There are too many unanimous decisions on committees appointed by the Select Board or manager. Town Meeting is the one place to have real debate and bring out all points. I'd hate to lose it.

John Fox: Amherst is decades behind a modern communications systems; it should be easy to engage all Town Meeting members by email, and there should be a way to track every vote. Worried about realtors and those with the most power influencing decisions. Could see a smaller Town Meeting.

Markland: There's a method to the madness of Town Meeting; it's not representative in the governmental sense of the word; its sample size is a non-random sample; it's not 24 mini-Allen Storys. It's a public voice you don't have with any other form of government.

Brown: Look at which structure is least influenced by external power and money.

Streeter: Concerned about appointed boards. There's been uneven enforcement of term limits.

Axelson-Berry: New to Town Meeting, she sees a good problem-based approach, and the problem of accountability could be solved. There should be roll calls published in the newspaper. Cited Gage's list of problems everyone can agree on.

Respectfully Submitted,
Nick Grabbe, Clerk

Documents:

- Town Meeting Coordinating Committee subcommittee on policies and procedures memo
- Problems with Amherst government about which we agree (Meg Gage)
- Cambridge participatory budgeting flyers
- Spreadsheet on options for numbers of Town Meeting sessions